

1 MICHAEL N. FEUER, City Attorney (SBN 111529)  
2 VALERIE L. FLORES, Managing Ass't City Atty (SBN 138572)  
3 BETHELWEL WILSON, Deputy City Atty (SBN 251805)  
4 OFFICE OF THE CITY ATTORNEY  
5 200 North Main Street, Room 800, City Hall East  
6 Los Angeles, CA 90012-4131  
7 Telephone: (213) 978-7100  
8 Email: bethelwel.wilson@lacity.org

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10 Attorneys for Respondent  
11 City of Los Angeles

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13 **FEE EXEMPT—Gov. Code § 6103**

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **FOR THE COUNTY OF LOS ANGELES**

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22 ADRIAN RISKIN, an Individual; ) **CASE NO. 19STCP05266**  
23 Petitioner, )  
24 vs. )  
25 CITY OF LOS ANGELES, a Charter City and )  
26 Municipal Corporation; and DOES 1 THROUGH )  
27 , INCLUSIVE, )  
28 Respondents. )  
29 ) **DECLARATION OF CHARLENE DENNIS**  
30 ) **IN SUPPORT OF OPPOSITION TO**  
31 ) **PETITION FOR WRIT OF MANDATE**  
32 )  
33 ) **Date: November 11, 2020**  
34 ) **Time: 1:30**  
35 ) **Dept.: 85**  
36 ) **Judge: Honorable James C. Chalfant**

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37 I, Charlene Dennis, declare as follows

38 1. I have been an employee of the City of Los Angeles' Information Technology Agency  
39 ("ITA") for approximately 30 years. My current position is Division Manager of the Application  
40 Bureau, which oversees the Email and Google Apps projects. Although I was promoted to Division  
41 Manager in or around January 2016, I have worked as an email/server administrator for the last 10 years  
42 and continue to do so in my current capacity. I make this declaration based upon my own personal  
43 knowledge and if called upon I would competently testify under the penalty of perjury, as follows:

1       2. In my function as an email/server administrator, one of my job responsibilities is to  
2 process public records requests submitted by the Office of the City Attorney and requests submitted by  
3 the public directly to ITA. About 40% of the CPRA requests ITA receives are records that were  
4 generated by an outside department such as a council office. When ITA receives such a request, it will  
5 process the request using MBOX. Because departments cannot review or redact the results in MBOX  
6 format, the MBOX files are converted to PDF by Practice Aligned Resources (PAR), an external City  
7 vendor that uses an eDiscovery software called Zylab, or by the department if it has the technical  
8 proficiency to do so. Once review of the results is complete, the department will return the documents,  
9 typically emails, to ITA in PDF format to provide to the requester. The dual rationale for this  
10 arrangement is that the department has the subject matter expertise to better evaluate the requests and  
11 ITA has insufficient personnel to review all requests for records generated by non-ITA departments.  
12 Document review tools vary from department to department, but most departments have access to  
13 Adobe and/or Adobe Acrobat Pro.

14       3. In 2019, ITA completed 680 document requests, which include CPRA requests. On  
15 average, it takes 6 hours to complete a CPRA request. The timeframe may be longer depending on the  
16 volume of data to download. There is 1 dedicated intern to this process for about 80 hours monthly and a  
17 full-time employee that gives approximately 25 hours of their time monthly. Other employees are  
18 sometimes pulled in to help with processes requests as necessary. From the birth of the request to the  
19 completion, it could take up to 90 days to complete because of the pipeline and priorities of the requests.

20       4. To expedite the processing of CPRA requests, the City relies on Zylab, a product that  
21 enables reviewers to quickly review and redact information and track documents that have been tagged  
22 for privilege. Zylab's output is generally a PDF format of both the email and the attachments. If a  
23 dispute later arises regarding the designation of a privilege or redaction, the custodian can easily access  
24 the review file in Zylab and easily identify the disputed record by the privilege tag by which it has been  
25 identified.

26       5. The practice of converting MBOX files into PDF format conforms to industry standard,  
27 which is to produce electronic communications as PDF files complete with all attachments and to place  
28 metadata and other non-apparent data into one or more separate load files. Where a requester seeks

1 records that do not require redactions or review, ITA is able to provide the requester with records in  
2 MBOX format, but the requester must retain the necessary tools to extract the MBOX files for review.  
3 As I previously shared with petitioner's counsel metadata in this case can be provided that lines up with  
4 the emails that have been produced. Redacting the relevant metadata would require an XML Editor and  
5 a custodian with knowledge of how to use that editor. Given the volume emails generated by petitioner's  
6 three requests, such a process would likely take up to five months to complete.

7 6. City departments, with the exception of LAPD, use "Google Mail" for email  
8 communication. Such emails are stored on servers managed by Google, Inc. ("Google"), a private  
9 corporation. Therefore, ITA can run a query of the City's Google email archives to collect, for example,  
10 all emails sent or received by specified City employees containing the term "1700033" by specifying the  
11 employees' email to be searched and using the search term XXX. These emails are stored in "Google  
12 Vault," a software that allows City to retain, hold, search, and export email.

13 7. ITA depends on Google's Cloud SAAS "Software as a service" model, to utilize the  
14 Google Vault software, but Google cloud also stores all of the City's email data. As a result when a  
15 query is run in Vault the result is being extracted from Google's database of emails belonging to  
16 lacity.org. Though the data belongs to the City of Los Angeles, the data is stored in eml form at Google.  
17 When a query is run against the Vault database, the information is extracted in eml form, and the options  
18 to be published are MBOX or PST format. The MBOX format is proprietary to Mozilla Thunderbird  
19 software and the PST format can be opened by Microsoft Outlook.

20 8. When a query is run by the Email Administrator, about 10 records are displayed on the  
21 screen at a time. In order to see all of the results of a query at one glance, Google allows an export to  
22 MBOX or PST formats. The direct results of the query are only available to the Email administrator in  
23 its original format, and can be seen on the screen only. Once exported to Thunderbird, emails are  
24 displayed as an email list. An entire email can be removed from this list, however there are no tools for  
25 partial redaction. For partial email redactions, the content needs to be exported to another format  
26 because within Google there are no review/redaction tools, which is why City relies on Adobe Acrobat  
27 for review and redaction.

1       9. I have reviewed petitioner's expert's recommendation that City should redact MBOX  
2 files using "any text editor" and a "rules based" MBOX redactor. While the alternative review process  
3 proposed by petitioner is possible, the resources necessary for ITA to employ this redaction is  
4 prohibitive. Since none of the tools described by petitioner possess the review features of an official  
5 discovery tool such as Zylab, using MBOX to export to petitioner's desired formats would be extremely  
6 time consuming. Additionally, depending on the size of the initial output, the visual human resource  
7 requirements will definitely put this out of reach. The individual (ITA) producing the initial MBOX  
8 would be different to the person reviewing it. This process would triple the amount of time that it  
9 presently takes to process CPRA requests. The 3-step conversion makes the human and the time  
10 resource prohibitive. Moreover, the overwhelming majority of City departments outside of ITA lack  
11 access to tools that would allow them to extract MBOX files.

12      10. Presently, ITA is pursuing an archive/lite ediscovery product that should allow for  
13 redactions of records in their native file formats. The process will make querying, reviewing, and  
14 publishing much easier, cutting the overall process time of a CPRA request markedly.

15      11. In my current capacity as an ITA manager, I have become acquainted with petitioner  
16 whose requests tend to be overly broad, unduly burdensome, and numerous. Since July 1, 2019 to the  
17 present, using various aliases, petitioner has submitted approximately 65 requests to ITA. Petitioner's  
18 requests, particularly ones seeking emails over multi-year periods with generic or no search terms tend  
19 to take up to 6 months to complete

20      12. I declare under penalty of perjury under the laws of California that the foregoing is true  
21 and correct. Executed on this 23rd day of October, 2020, in the City and County of Los Angeles,  
22 California.

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*Charlene Dennis*  
CHARLENE DENNIS, Declarant

**PROOF OF SERVICE -- (VIA VARIOUS METHODS)  
CASE NO. 19STCP05266**

I, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 200 North Main Street, Suite 800, Los Angeles, California 90012.

On, October 24, 2020 I served the foregoing documents described as: **DECLARATION OF CHARLENE DENNIS IN SUPPORT OF OPPOSITION TO PETITION FOR WRIT OF MANDATE** on all interested parties in this action by placing copies thereof enclosed in a sealed envelope addressed as follows:

- [ ] BY MAIL - I deposited such envelope in the mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit; and/ or
- [ ] BY PERSONAL SERVICE – () I delivered by hand, or () I caused to be delivered via messenger service, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified above.
- [ ] BY OVERNIGHT COURIER - I deposited such envelope in a regularly maintained overnight courier parcel receptacle prior to the time listed thereon for pick-up. Hand delivery was guaranteed by the next business day.
- [X] BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct. Executed on March , 2019, at Los Angeles, California.

- Betheluel Wilson